

Adjudicative actions concerning the foregoing items are examined in greater detail below.

LOYALTY

DCID 1/14 establishes the categorical requirement that, to be eligible for SCI access, an individual must be of unquestioned loyalty to the United States. -

CLOSE RELATIVES AND ASSOCIATES

DCID 1/14 requires close examination by the SCI adjudicator when members of an individual's immediate family and persons to whom he/she is bound by affection or obligation are not citizens of the United States, or their loyalty or affection is to a foreign power, or they are subject to any form of duress by a foreign power, or they advocate the violent overthrow or unconstitutional alteration of the Government of the United States. ←

The adjudicator must assess carefully the degree of actual and potential influence that such persons may exercise on the individual based on an examination of the frequency and nature of personal contact and correspondence with and the political sophistication and general maturity of the individual.

A recommendation for access disapproval is appropriate if there is an indication that such relatives or associates are connected with any foreign intelligence service.

When there is a "compelling need" for SCI access for an individual whose family member is a non-U.S. citizen and the background investigation indicates that the security risk is negligible, an exception to paragraph 5b(1) or (2) of DCID 1/14 may be recommended.

In some circumstances, marriage of an individual holding SCI access approval could present an unacceptable security risk. Such individuals are required to file intent-to-marry statements. It is the responsibility of the SOIC to advise the individuals of the possible security consequences. If the individual marries a non-U.S. citizen, SCI access will be suspended until the case is readjudicated unless an appropriate investigation of the spouse, as required by Paragraph 8l of DCID 1/14, was conducted with favorable results. In readjudicating such cases, the same judgments and criteria as are reflected in this section apply.

["Sexual Considerations in SCI Adjudication"]

DCID 1/14 requires that, to be eligible for SCI access, individuals must be stable, of excellent character and discretion, and not subject to undue influence or duress through exploitable personal conduct.

Sexual conduct can be a relevant consideration in circumstances in which the conduct indicates a personality disorder or could result in exposing the individual to direct or indirect pressure because of susceptibility to blackmail or coercion as a result of the deviant sexual behavior. Such behavior includes: bestiality, fetishism, exhibitionism, necrophilia, nymphomania or satyriasis, masochism, sadism, pedophilia, transvestism, and voyeurism. Homosexual conduct is also to be considered as a factor in determining an individual's stability and susceptibility to undue influence or duress.

regardless of their citizenship status, may be indicative of a close relationship, whether or not it is considered intimate. The potential for adverse influence or for duress should be considered in any close or long-term relationship between the Subject and another individual.

In examining cases involving acts of homosexual conduct or sexual perversion, it is relevant to consider the age of the person, the voluntariness, and the frequency of such activities, the public nature and the recency of the conduct, as well as any other circumstances which may serve to aggravate the nature or character of the conduct. A recommendation for disapproval is appropriate when, in view of all available evidence concerning the individual's history of sexual behavior, it appears that access to SCI could pose a risk to the national security.

Extra-marital sexual relations are also of legitimate concern to the SCI adjudicator when the potential for undue influence or duress exists.]

COHABITATION

The identity of a cohabitant and the extent and nature of actual or potential influence upon the subject should be ascertained. Based upon the criteria in the section on Close Relatives and Associates, a determination must be made whether such an association constitutes an unacceptable security risk.

Cohabitation, per se, does not preclude SCI access approval. Other factors could affect the access determination. Cohabitation with an alien, for example, requires the same scrutiny as marriage to an alien.

UNDESIRABLE CHARACTER TRAITS

It is emphasized that an individual's lifestyle is examined only in an effort to determine whether a pattern of behavior exists which indicates that granting SCI access could pose a risk to national security. In cases where allegations have been reported which reflect unfavorably on the reputation of an individual, it is incumbent upon the SCI adjudicator to distinguish fact from opinion and to determine which negative characteristics are real and pertinent to an evaluation of the individual's character and which are unsubstantiated or irrelevant. Relevant negative characteristics are those which, in the adjudicator's informed opinion, indicate that an individual is not willing, able, or likely to protect SCI information. The adjudicator's personal likes or dislikes must not be permitted to affect the determination.

Examples of specific concern in determining whether an individual has undesirable character traits are any substantive, credible, derogatory comments by associates, employers, neighbors, and other acquaintances; any litigation instituted against the individual by such persons as a result of the individual's actions; or allegations of violations of law. A recommendation for disapproval would be appropriate for an individual who cannot be relied upon to obey rules and regulations.

In examining the circumstances of cases involving incidents of untruthfulness, the adjudicator must weigh all factors with particular emphasis on establishing the intent of the individual. Where an individual has tried to obscure pertinent or significant facts by falsifying data, i.e., on the Personal History Statement by either omission or false entry, such action should be weighed heavily against recommending access. Failure to disclose derogatory personal information, such as a court martial or serious crime, would appear to be intentional and, consequently, would warrant a recommendation for disapproval.